

REMARKS

In the second Office Action, the Examiner rejected claims 1-4, 9, and 14-15 under 35 U.S.C. §§102(b), 103(a) as being unpatentable based on Kittleson (US 4,575,800). The Examiner objected to claims 7 and 10-13 as being dependent upon a rejected base claim, but indicated these claims would be allowable if appropriately rewritten. The Examiner allowed claims 5, 6, 8, 16, and 25-28.

As reflected in the above Claim Listing, Applicant has amended claims 1, 3, and 10 and cancelled claim 9 without prejudice. Claims 1-8, 10-16, and 25-28 are currently pending in this application.

Reconsideration and re-examination of the application as amended is respectfully requested.

Rejections Under 35 USC §§102(b) and 103(a)

The Examiner rejected claims 1-4, 9, and 14-15 as being anticipated by US 4,575,800 to Kittleson. Applicant respectfully disagrees and traverses the Examiner's rejection.

The Examiner's position is that Applicant's claims do not preclude the first and second parameter values being based on the same parameter at different time periods. However, while Applicant's invention may use the same "parameter", such as engine torque as claimed in claim 2, in determining the first and second parameter values, the first parameter value is generated by a control system and the second parameter value is determined by a control system monitor. This clearly patentably distinguishes Applicant's claimed invention from the Kittleson '800 reference.


While Applicant does not agree with the Examiner's interpretation in that Kittleson '800 does not disclose a control system with a monitor to generate the first and second parameter values, Applicant has amended claim 1 to incorporate the limitations of claims 9 and 10, which the Examiner indicated were allowable to advance the prosecution of this application and place all claims in condition for allowance.

Summary

Applicant has made a genuine effort to respond to the Examiner's rejections and objections to advance the prosecution of this case. Applicants respectfully submit that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by telephone at the number listed below to discuss.

No additional fee is believed to be due as a result of the filing of this paper. However, please charge any required fees associated with filing of this paper to Deposit Account 06-1510 (Ford Global Technologies, LLC). If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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